

RESOLUTION AUTHORIZING AND APPROVING THE ADOPTION OF CODES AND ORDINANCES  
ONEIDA RESERVATION, WISCONSIN

WHEREAS, the Oneida Tribe of Indians of Wisconsin has an organized housing authority known as the Oneida Housing Authority; and

WHEREAS, one of the main objectives of the Oneida Tribe of Indians of Wisconsin and the Oneida Housing Authority is to carry out an effective plan of action to eliminate slums and blight and improve housing conditions by the adoption of, and compliance with, plumbing, electrical, housing and fire prevention codes; and

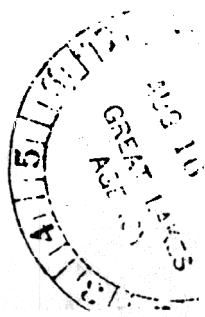
WHEREAS, it is also intended that the Oneida Tribe of Indians of Wisconsin will further its efforts to eliminate slum areas by designating community improvement areas and adoption of adequate zoning ordinances:

NOW, THEREFORE, BE IT RESOLVED, by the Oneida Tribe of Indians of Wisconsin that the following codes and ordinances are hereby adopted, to become effective on August 1st, 1966:

1. Code Compliance Ordinance (Ordinance RI-1-66)
2. Building Code (Ordinance RI-2-66)
3. Electrical Code (Ordinance RI-3-66)
4. Plumbing Code (Ordinance RI-4-66)
5. Community Improvement Areas (Ordinance RI-5-66)
6. Zoning Ordinance (Ordinance RI-6-66)
7. Fire Prevention Code (Ordinance RI-7-66)

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Indians of Wisconsin Executive Committee, hereby certify that the Oneida Executive Committee is composed of 4 members, of whom 3 being present constituted a quorum at a meeting thereof duly called, convened and held on this 1st day of AUGUST, 1966; that the foregoing resolution was duly adopted at such meeting by an affirmative vote of 3 for and NONE against; and that said resolution has not been rescinded or amended in any way.



[Signature]  
Secretary

100. Purpose and Policy

.1 Purpose: The purpose of this ordinance is to provide fair and efficient means of enforcing the various zoning, building, electrical, plumbing and related codes, including the Community Improvement Ordinance, which have been or may be hereafter adopted for the Reservation.

.2 Compliance policy: It shall be the duty of the persons charged with the administration of this ordinance to attempt at all times to attain compliance with the various codes through education, explanation, and persuasion. Every effort will be made to have people understand that fair code enforcement is for the benefit of themselves and their neighbors. Coercion and penalties for non-compliance shall be used only when all efforts of persuasion have failed.

101. Application

This ordinance shall control the administration of the Zoning Code (Ordinance RI-6-65); Electrical Code (Ordinance RI-3-65); the Plumbing Code (Ordinance RI-4-65); the Building Code (Ordinance RI-2-65); the Community Improvement Ordinance (Ordinance RI-5-65) and such other codes as may be added from time to time.

102. Code Supervisor

.1 Position Created: There is hereby created the position of Code Supervisor. The position shall be filled in accordance with the Administrative and operating procedures of the County Executive Committee Tribal Governing Body. The position may be held on a part-time basis.

.2 Qualifications: The person selected as Code Supervisor shall be knowledgeable in the field of building construction. He shall possess or be able to acquire a basic knowledge of sanitation. He shall be the type of person who is able to work effectively with people, and to explain the value of codes and code compliance.

.3 Responsibilities:

a. The Code Supervisor shall be the person primarily responsible for the administration and enforcement of all codes subject to this ordinance.

b. He shall keep informed about the new construction and alterations of the Reservation.

c. He shall maintain records concerning code compliance adequate to meet the annual reporting requirements of the Department of Housing and Urban Development.

d. He shall provide technical assistance to persons planning or constructing any building or facility to which the various codes subject to this Ordinance apply.

103. Assistant Code Supervisors:

The ~~Omaha Executive Council~~<sup>1903</sup> Tribal Governing Body is hereby authorized to deputize as Assistant Code Supervisors such other persons as it may determine. Selected persons in various districts may be given supervisory jurisdiction for their village or district. All such persons shall work under the supervision of the Code Supervisor.

.1 When Required: A permit shall be required in the following cases:

a. Prior to the construction or major alteration of any dwelling unit located in a Community Improvement Area, as defined in Section 501.2 of Ordinance RI.5.65 or in an area designated in Section 601.2 of the Zoning Code (Ordinance RI.5.65).

b. Prior to the installation or major alteration of electrical service, as defined in the Electrical Code.

c. Prior to the installation or major alteration of any water or sewer facility, as defined in the Plumbing Code.

d. Prior to the construction of any non-dwelling unit, other than a barn, farm shed or related farm structure.

.2 Application: In every case in which a permit is required, the owner shall apply to the Code Supervisor for the necessary permit or permits.

.3 Contents: Every application for a permit shall state the type of structure or facility to be built or altered, the approximate cost, the location, the method of construction or alteration, and the name of the proposed contractor, if any. The Code Supervisor may require the applicant to submit such plans, drawings and specifications as are necessary for him to determine whether the application should be approved.

.4 Approval: If the application shall show to the satisfaction of the Code Supervisor that the proposed alteration or construction will be in accordance with all outstanding codes and ordinances, he shall approve the application and issue the necessary permit or permits.

.5 Modification and Appeal: If the application is denied, the applicant may modify the application as necessary to secure approval; or he may file an action against the Ordinary Executive Committee to require the Tribal Governing Body Code Supervisor to issue a permit. If, after a hearing, it is found that the application is in conformity to all outstanding codes and ordinances; the Code Supervisor shall issue a permit.

#### 105 Rental Units

.1 The owner of every building on the Reservation which is leased or sub-leased for the purpose of human habitation, where the monthly rental exceeds \$2000 per month, shall within 12 months from the date of this Ordinance

a. Provide such building with water and sewage facilities and electrical service equivalent to that required in Community Improvement Areas, and

b. Repair and recondition such building as necessary to provide a safe, sound structure, resistant to weather, and meeting insofar as possible, the standards of the Building Code applicable to Community Improvement Areas.

.2 Every Building on the Reservation which is leased or sub-leased for the purpose of human habitation where the monthly rental is \$20.00 or less, shall be repaired and reconditioned as necessary to provide a safe, sound structure, resistant to the weather.

.3 If the owner of any building shall fail to comply with this section within the time specified, and the building is located on Tribal land, the

building shall automatically be forfeited and become the property of the Reservation. If the building is located on individually-owned land, the Reservation shall bring appropriate injunctive action to enforce compliance

106 Enforcement.

.1 Complaints: If it appears that a person is violating any of the codes subject to this ordinance, or has begun any construction or major alteration for which a permit is required without first having obtained a permit, the ~~Ordinary Enforcement Code~~ and Code Supervisor, any Assistant Code Supervisor designated under Section 103, or any person aggrieved may file a complaint in a court of appropriate jurisdiction in the name of the Reservation to require such person to cease and desist from the alleged violation, and to take such corrective action as may be necessary.

.2 Corrective Action: If the action is brought in Court, the Court shall promptly give notice to all interested parties and hold a hearing upon such complaint. If it appears that the defendant is violating one or more of the codes or is building without a permit, the Court shall enter an order requiring such person to cease and desist and to take such corrective action as may be necessary within a specified time.

.3 Penalty: Failure to obey the Court's order shall subject the defendant to prosecution for contempt of court.

RESERVATION: ONEIDA

BUILDING CODE

ADOPTED AUG 1 1966

ORDINANCE NO. RI-2-66

200 Purpose

The purpose of this Building Code is to establish minimum standards for the construction and maintenance to buildings on the Reservation. The objective of these regulations is to protect life and limb from fire and accidents resulting from unsafe buildings, and to insure that buildings have sufficient ventilation, light, heat and other facilities to provide a healthy environment in which to live and work.

201 Application

- .1 This Code shall apply to the construction and major alteration of
  - a. Any building leased for the purpose of human habitation.
  - b. Any building units located in a Community Improvement Area, as defined in Section 501.2 of the Community Improvement Areas Ordinance.
  - c. Any building located in an area designated in Section 601.2 of the Zoning Ordinance.
  - d. Any non-dwelling unit other than a barn, farm shed or related farm structure.

Major alteration shall mean any repair, addition or improvement costing in excess of \$1,000.00.

.2 While modernization of existing buildings and dwellings, other than rental units, is not required by this Code, it is expected that buildings which do not meet the standards herein proscribed will be made to comply at the earliest possible time.

202 Administration and Enforcement

This Code shall be administered and enforced in accordance with the Code Compliance Ordinance (Ordinance RI-1-66), governing the administration and enforcement of codes generally.

203. Lot Size and Location of Dwelling Units

All newly constructed dwellings shall be situated upon lots meeting the requirements of the Zoning Code (Ordinance RI-6-66).

204 Construction and Alteration Standards

1. Every building subject to this Code which is constructed or subjected to a major alteration, shall be built or altered in a neat, safe and workmanlike manner. Every reasonable effort shall be made, consistent with the amount of money which is spent upon the building, to produce a structure which is safe, weather resistant, and which provides a healthy environment for human use and habitation.

205 Non-dwelling Units

1. All buildings which are open to the public, including all commercial buildings, stores, hotels, motels, filling stations, and all industrial and public buildings, hereafter constructed or subject to major alteration shall be constructed or altered in a sound and workmanlike manner, which shall accord with current practices in other communities for the construction of buildings of like size and character. Matters of construction and design shall, to the extent possible, be governed by the National Building Code.



.2 All buildings open to the public shall be maintained in a safe, sound and sanitary condition.

206 maintenance

All structures subject to this Code shall be maintained in a safe and sound condition.

ADOPTED AUG 1 1966

ELECTRICAL CODE  
ORDINANCE NO. RI-3-66

300 Purpose and Policy

.1 The purpose of this Code is the practical safeguarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio signalling and for other electrical apparatus.

.2 This Code contains basic minimum provisions considered necessary for safety. Compliance therewith and proper maintenance will result in an installation essentially free from hazard but not necessarily efficient, convenient, or adequate for good service.

301. Application

.1 This Code shall apply to the new installation or major alteration of an existing installation of electrical service undertaken on the Reservation after the effective date of this Code. "Major alteration" of electrical service shall mean any repair, addition or improvement costing in excess of \$100.00.

.2 While modernization of existing electrical facilities is not required, it is expected that facilities which do not meet the standards of this Code will be made to comply at the earliest possible time.

302. Administration and Enforcement

This Code shall be administered and enforced in accordance with the code Compliance Ordinance (Ordinance RI-1-66) governing the administration and enforcement of codes generally.

303 Installation

.1 Qualified Electrician: All electrical installations or major alterations of an existing electrical installation shall be made only by a state-licensed or duly qualified electrician and executed in a safe, neat and workmanlike manner.

.2 Utility Company Regulations: All installations and major alterations shall comply with the regulations of the utility company supplying service, or this Code, which-ever is the higher standard.

.3 Materials:

a. The Materials used shall be new and conform to the standards of the National Electrical Code;

b. Minimum wire sizes shall be:

(i) No. 6 for outside service connections.

(ii) No. 8 for ranges.

(iii) No. 10 for heaters.

(iv) No. 12 for light and medium duty branch circuits.

304 Non-dwelling Units

All buildings which are open to the public, including all commercial buildings, stores, hotels, motels, filling stations and all industrial and public buildings, hereafter constructed or subject to major alteration shall be provided with electrical installations adequate to provide safe and convenient service for the type of building involved, and which meet minimum standards set forth in the current edition of the National Electrical Code. For the purpose of this section, "major alteration" means any improvement, repair or addition costing in excess of \$2,000.00.

305 Maintenance

All electrical installations subject to this code shall be maintained in a safe condition.

306 Items Not Covered

All items not covered herein shall be governed by the minimum standards established by the current edition of the National Electrical Code.

ADOPTED AUG 1 1966PLUMBING CODE  
ORDINANCE NO. RI-4-66400 Purpose

The purpose of this plumbing code is to establish minimum standards for the installation and maintenance of sewage disposal and water facilities. The objective of these regulations is to improve the health and sanitation conditions on the Reservation.

401 Application

.1 This Code shall apply to any new installation or the major alteration of an existing sewage or water facility, undertaken on the Reservation after the effective date of this Code. Major alteration shall mean any repair, addition or improvement to a sewage or water facility costing in excess of \$100.00.

.2 While modernization of existing sewer and water facilities is not required, it is expected that facilities which do not meet the standard of this Code will be made to comply at the earliest possible time.

402 Administration and Enforcement

This Code shall be administered and enforced in accordance with the Code Compliance Ordinance (Ordinance RI-1-66) governing the administration and enforcement of codes generally.

403 Water Supply

Whenever running water is supplied to a building after enactment of this Code, connection shall be made, whenever possible, to a public or community water system which has been inspected and approved by the Public

Health Service. Where an approved public or community water system is not available an individual water system (well) shall be acceptable, providing the system has been tested and approved as safe and sanitary by the Public Health Service, or other competent body.

#### Sewage Disposal, General

Whenever a building is supplied with sewage disposal facilities after enactment of this Code, connection shall be made, whenever possible to a community or public sewage system approved by the Public Health Service or other competent body. Where an approved community or public sewage system is not available, an individual sewage disposal system shall be acceptable if it has been tested and approved as safe and sanitary by the Public Health Service.

#### 405. Piping and Connections

Any installation or major alteration of a sewage or water facility hereafter undertaken on the Reservation shall meet the requirements of this section.

.1 Qualified Plumber: All installations and major alterations of a sewage or water facility shall be undertaken only by a state-licensed or duly qualified plumber, shall be executed in a safe, neat and workman-like manner, and shall meet the material and installation standards of this section.

#### .2 Materials:

a. Materials shall be new and durable.

b. Size of pipe shall be adequate in relation to fixture served.

.3 Installation:

a. All piping and drains shall be installed without damage to structural members and in a safe, sanitary and workmanlike manner.

b. All piping and drains shall be properly sloped and protected against freezing.

c. Metal piping shall not be installed in or below cinders or in locations conducive to rapid corrosive action.

d. Supply lines under concrete slabs shall be installed in a manner to permit repair and replacement or with non-ferrous metals acceptable to the Code Supervisor.

e. Cross connections between drinking water supply and supplies not intended for drinking shall not be permitted.

f. All fixtures shall be vented with not less than 3" pipe for toilets, 2" pipe for sinks, and bathtubs or showers, and all vents not less than 5 feet from the fixtures to be vented.

.4 Exterior Waterlines: Water service line shall be laid in solid ground, below the frost line. Water service line may be laid in same trench as sewer line, providing water line is not less than one foot higher than sewer line and laid to one side on a solid ledge of ground.

.5 Exterior Sewage Lines: Sewage disposal pipe shall be laid with barrel on solid ground, with an excavated bell hole for each joint. Joints shall be water tight and, where necessary, protected against penetration by roots of shrubbery or trees.

406 Maintenance

All water and sewage disposal facilities subject to this Code shall be maintained in a safe and sanitary condition.

407. Non-dwelling Units

All buildings which are open to the public, including all commercial buildings, stores, hotels, motels, filling stations, and all industrial and public buildings hereafter constructed or subject to major alteration, shall be provided with sewage and water facilities adequate to provide safe and convenient sanitary facilities for the type of building involved and which meet the minimum standards set forth in the current edition of the National Plumbing Code. For the purpose of this section, "major alteration" means any improvement, repair or addition costing in excess of \$2,000.00

408 Items Not Covered

All items not covered herein shall be governed by the minimum standards established by the current edition of the National Plumbing Code.



RESERVATION: ONEIDA

ADOPTED Aug. 1, 1966 COMMUNITY IMPROVEMENT AREAS  
ORDINANCE NO. RI-5-66

500 Purpose and Policy

.1 The purpose of this ordinance is to improve health, safety, and living conditions on the Reservation by designating certain areas primarily for residential purposes in which all homes and other buildings constructed after the effective date of this Code shall meet high standards of construction, design, and maintenance.

501 Designation Of Community Improvement Areas

.1 The Oneida Executive Committee from time to time will designate areas within the Reservation which shall be known as "community improvement areas."

.2 The following areas are hereby designated as community improvement areas.

a. The area of the public housing projects on the Reservation known as follows:

- A. Oneida Reservation
- B. \_\_\_\_\_
- C. \_\_\_\_\_
- D. \_\_\_\_\_

502 Permissible Use

.1 No building shall be hereafter constructed or subject to major alteration (as herein defined) in a Community Improvement Area Except

- a. A residence and related structures
- b. A community building
- c. Such other buildings as may be authorized under the procedures established by the zoning code for granting a zoning variance.

2. For the purposes of this ordinance, a "major alteration" shall mean any repair, addition or improvement the cost of which exceeds \$10,000 or half the value of the structure, prior to its alteration, whichever is lower.

503 Minimum Lots and Distances

- .1 All lots in Community Improvement Areas shall not be less than 5000 square feet.
- .2 No building shall be built closer than 10 feet from any lot line.

504 Minimum Standards

.1 Any dwelling or other building hereafter constructed or subject to major alteration in a Community Improvement Area shall contain the following minimum standards:

- a. The minimum electric service and installation standards of section 505 of this Ordinance.
- b. The minimum plumbing service and installation standards of section 506 of this ordinance.
- c. The yard maintenance standards of section 507 of this Ordinance.
- d. The design and construction standards of section 508 through 511 of this Ordinance.

505 Electrical Service in Community Improvement Areas

- .1 Minimum Service Standards:
  - a. One circuit for each 200 square feet of floor area, minimum of three per dwelling unit, with provision for at least one additional future circuit.
  - b. Ceiling fixtures in kitchen, halls, dining room, bedrooms, and, as necessary, in closets, attic and basements.
  - c. An outside fixture at each entrance and porch.

d. Convenience outlets in each room, with a minimum of 3 in the living room, 2 in kitchen and dining room, and 2 in each other habitable room.

e. Special outlets, where required, for special equipment such as range, dryer and washer.

f. Wall fixture in bathroom.

.2 Convenience Standards:

a. Each ceiling fixture shall be controlled by a wall switch.

b. Bathroom fixtures shall be controlled by a wall switch, not readily accessible from shower or tub.

c. Switches shall not be placed behind doors.

d. Dwelling units containing more than one floor or usable space shall contain a three-way switch conveniently located on each floor which controls, at least one light to illuminate stairs. This provision shall also apply to basements and attics.

e. Exterior fixtures shall be controlled by wall switches inside the entrance doors.

.3 Installation Standards:

All installations and repairs shall be made in full conformity with the requirements of the Electrical Code.

.4 Maintenance

All service and fixtures subject to this section shall be maintained at all times in good working order and repair.

506 Plumbing Design and Installation Standards in Community Areas

.1 Minimum Service: All buildings subject to this section shall be provided with:

a. An adequate supply of running water, safe for drinking.

Whenever possible connection shall be made to an approved community water system.

b. An adequate sewage disposal system. Whenever possible connection shall be made to an approved community sewage disposal system.

.2 Minimum Fixtures: All buildings subject to this section shall contain the following fixtures, properly installed and in operating order:

- a. One water closet (toilet)
- b. One bathroom sink or lavatory
- c. One bathtub or shower
- d. One kitchen sink

.3 Installation Standards: All installations and repairs shall be made in full conformity with the requirements of the Plumbing Code.

.4 Maintenance: All service and fixtures subject to this section shall be maintained at all time in good working order and repair.

#### 507 Yard Maintenance

.1 The lots in a Community Improvement Area on which any building is located shall be maintained in a neat and tidy condition. Trash, junk, garbage, and debris shall not be allowed to accumulate. Inoperative automobiles shall be promptly removed.

.2 To the extent practical, home owners in Community Improvement Areas shall encourage the growth of grass, trees and shrubs by planting and watering their lawns and plants.

#### 508 Design Standards in Community Improvement Areas

.1 Light and Ventilation: The objective of light and ventilation requirement is to insure satisfactory and healthful living conditions by providing natural light and ventilation in sufficient volume, proportioned to the size and intended use of rooms. Minimum requirements for habitable rooms shall be:

- a. Total glass area: ten percent of floor area of room.

b. Ventilating Area:

i. Four percent of floor area of room with no exterior door, or

ii. Two percent of floor area of room with an exterior door.

.2 Space Requirements: Each dwelling shall contain not less than one bathroom and three habitable rooms, at least one of which shall be a bedroom. The minimum size of rooms shall be:

a. Living room: 100 square feet

b. Dining room: 50 square feet

c. Kitchen: 75 square feet

d. Bedroom: 75 square feet for each bedroom. In homes

with more than one bedroom the size of the kitchen and living room shall be increased by 10 square feet for each additional bedroom.

.3 Stairways:

a. Headroom: Main stairs in two-story dwellings shall have not less than 6'8" of continuous clear headroom, measured vertically from front edge of tread in a line parallel with stair riser. Basement stairs shall have not less than 6' 4" of headroom.

b. Width: Main Stairways shall be not less than 2' 9" in width, clear of handrail. Basement stairs shall have not less than 2' 6" clear treads.

c. Depth: Main stairs shall be not less than 9 inches deep plus 1-1/4 inch nosing. Basement stairs shall be not less than 9 inches deep.

d. Risers: Risers in all stairs shall be not more than 8-1/4 inches; all risers heights to be the same in any one staircase.

.4 Habitable basement rooms shall comply with requirements for main floor rooms with respect to privacy, light and ventilation, floor area, and ceiling height.

.5 Ceiling Heights:

- a. Main floor ceilings shall be not less than 7' 6" clear.
- b. Basement ceilings shall be not less than 7' clear under joists.

509 General Structural Requirements in Community Improvement Areas.

Any dwelling which is hereafter constructed or subject to a major alteration, which is located in a Community Improvement Area shall meet the following general structural requirements.

.1 The objective of structural requirements is to obtain a well-built and durable dwelling which provides a weather-resistant shelter;

.2 All portions of the structure subjected to exterior exposure shall be of such materials and be so constructed as to prevent the entrance or penetration of moisture and the weather;

.3 Adequate precautions shall be taken to properly protect materials and construction from damage by ordinary use and by decay, corrosion, termites and other destructive elements;

.4 Workmanship shall be of a quality equal to a good standard practice and materials used be of such kind and quality as to assure reasonable durability and economy of maintenance, all commensurate with the class of dwelling under consideration;

.5 All members and part of the construction shall be properly designed to carry all loads imposed without detrimental effect on finish or covering materials;

.6 Each member shall be correctly fitted and connected;

.7 The structure shall be adequately braced against lateral stresses;  
and

.8 Adequate precautions shall be taken to protect against fire and accidents.

510 Material and Equipment Requirements - Community Improvement Areas

Any dwelling which is hereafter constructed or subject to a major

alteration, which is located in a Community Improvement Area, shall meet the following material and equipment requirements:

Materials and equipment used in the construction of dwellings shall be used appropriately and shall be of a standard equal to good practice commensurate with the class of dwelling being erected.

511 Construction Details in Community Improvement Areas

Any dwelling which is hereafter constructed or subject to a major alteration, which is located in a Community Improvement Area, shall be constructed in accordance with the following standards:

.1 Footings:

- a. Footings shall be designed for proper distribution of superimposed loads.
- b. The material used for footings shall be poured concrete or masonry block.
- c. Thickness of footings shall be determined in accordance with sound engineering practice, and in all cases not less than six inches thick.
- d. Footing projection on each side of foundation wall or chimney shall be determined in accordance with sound engineering practice and in no case shall the projection be in excess of one-half the footing thickness.

.2 Foundation Walls:

- a. Walls supporting frame construction shall extend not less than eight inches above adjoining outside finish grade and be exposed not less than six inches.
- b. Walls of hollow masonry units when supporting a sill plate shall be capped with a minimum of four inches of solid masonry or poured

concrete. If poured concrete is used, it shall be reinforced with wire mesh. In lieu of solid masonry or poured concrete, a continuous strip of galvanized expanded metal lath one inch less than width of wall may be installed in mortar joint under top course of block. Joints and voids in top course of block shall be completely filled with stiff mortar and finished flush with top of blocks.

c. Chimney foundations shall start at level of lowest adjacent foundation wall footings. Poured concrete foundations shall have a minimum thickness of six inches for wooden frame structures less than two stories high, with basement eight inches minimum.

.3 Wood Construction - Sills: Sills shall be anchored to foundation as follows:

a. Masonry - 1/2 inch x 12 inch bolts.

b. Poured concrete - 1/2 inch x 6 inch bolts, spacing of anchor bolts not to exceed 8 feet and at least two bolts to each sill piece. One standard nut and washer shall be installed on each bolt.

.4 Floor Joists:

a. The minimum size of floor joists for dwellings 16 feet or less in width, without basement, shall be 2" x 6", with center support of masonry or poured concrete. Maximum spacing center to center shall be 24 inches.

b. The minimum size of floor joists for dwelling 16 feet or less with basement shall be 2" x 8" with cross bridging of 1" x 3" doubled nailed at each end center of span.

c. The minimum size of floor joists for dwellings more than 16' in width shall be 2" x 8".

d. Dwellings with basement which exceed 16 feet in width shall be provided with girder to support floor joists.



e. In all cases, spans shall not exceed recommended widths for type of material used.

.5 Sub-Floor:

a. Sub-floor shall be square edge or tongue and groove with ends cut parallel to and over center of joists.

b. Each board of sub-floor shall have bearing on a least two joists. Minimum thickness of sub-floor boards shall be 25/32 inch. and maximum width 8 inches.

c. Plywood used for sub-flooring shall have a minimum thickness of 1/2 inch. Plywood used for leveling purposes over the other sub-floor shall have a minimum thickness of 1/4 inch.

.6 Studs - Braces:

a. Studs shall be continuous lengths without splicing.

b. Minimum size shall be 2" x 4".

c. Maximum spacing shall be 24", center to center.

d. Corner facts shall be not less than three 2 x 4's set to receive interior finish. Braces shall be installed at all external corners except as follows:

(i) If wood sheathing boards are applied diagonally, or

(ii) If plywood sheathing (4' x 8' sheets) is nailed with 6 d nails, 6 inches oc on all edges and 1 foot oc at intermediate bearings.

e. Corner braces shall be installed as follows:

Use 1 x 4's let into outside face of studs, corner post, sill and plate, set at 45° extending from bottom of sill to top of plate. Use 2 - 8 d nails at each bearing.

.7 Window and Door Openings:

a. Inner studs on jambs shall extend in one piece from header to bearing and shall be nailed to outer stud.

b. Header for usual loading conditions shall be not less than:

Span 3' or less	One 2" x 4"s on edge
3' - 6"	Two 2" x 4"x on edge
4' - 6"	Two 2" x 6"s on edge
6' - 0"	Two 2" x 8"s on edge
7' - 6"	Two 2" x 10"s on edge
9' - 0"	Two 2" x 12"s on edge

c. All header spans of more than 4' x 6" shall be of truss construction.

.8 Plates:

a. Top plates shall be 2" x 4"s. Plate members shall be lapped at corners and intersecting partitions; when plates are cut for piping or duct work, steel angle tie for plate and bearing for ceiling joists shall be installed.

b. Sole plate shall be 2 inches minimum thickness and studs shall bear on sole plate on top of sub-floor.

.9 Partition Framing:

a. Studs shall be continuous in length without splicing.

b. Corner rooms shall be framed to receive interior finish.

c. Top and sole plates shall be 2 inches minimum thickness.

d. Top plate shall be tapped at outside walls and at bearing partitions.

.10 Wall Sheathing:

a. Minimum thickness of wall sheathing shall be 25/32 inches, with maximum stud spacing 24" oc. or 11/16 inch with maximum stud spacing of 16" oc. Maximum width of wall sheathing shall be 8" with 2 d nails, 10" with 3 d nails, and 12" with 4 d nails.

b. Joints shall be over center of studs and each board shall bear on at least two studs.

c. When plywood is used for sheathing, minimum thickness shall be 5/16 inch, and maximum spacing of studs shall be: 16" oc., with 3/8 inch plywood, stud spacing shall not exceed 24 inches oc.

.11 Roof Sheathing:

Minimum thickness of roof sheathing shall be 25/32 inches, with maximum rafter spacing of 24" oc., or 11/16 inches with maximum rafter spacing of 16 inches oc. Maximum width of boards shall be 8".

.12 Wood Siding:

Acceptable siding grades shall be commensurate with quality and class of dwelling.

.13 Stucco:

Acceptable materials for stucco finish are expanded metal lath, woven wire fabric, or welded wire fabric. Metal lath, mesh or fabric shall be held at least 1/4 inch away from sheathing. Nails shall penetrate wood at least 3/4 inch.

.14 Roof Covering:

Roof covering may be asphalt or wood shingles.

a. Asphalt shingles shall be applied and nailed in accordance with the recommendations of the manufacturer.

b. Wood shingles shall be edge grain, tapered shingles No. 1 grade.

c. Exposure for single length shingles shall be:

16 inch 3 3/4 to 5 inches

18 inch 4 1/4 to 5 1/2 inches

24 inch 5 3/4 to 7 1/2 inches.

512 Administration and Enforcement

This Ordinance shall be administered and enforced in accordance with the Code Compliance Ordinance (Ordinance RI-1-66) governing the administration and enforcement of codes generally.

RESERVATION: Oneida

ZONING ORDINANCE  
ADOPTED Aug. 1, 1966 ORDINANCE NO. RI-6-66

600 Purpose and Policy

.1 Purpose: The purpose of this code is to promote the health, safety and economic welfare of the Residents of the Reservation.

.2 Policy: This code shall be implemented in order to achieve purposes which shall include, but need not be limited to the following:

a. To protect the public health by preventing overcrowding and by segregating unsanitary and dangerous undertakings;

b. To establish residential areas where families may live in privacy and in a wholesome environment;

c. To increase public safety by reducing the possibilities of fire, traffic accidents and other dangers;

d. To facilitate the planning and development of public facilities such as roads, schools and utility services;

e. To prevent the deterioration of property values occasioned by random location of homes, stores and factories.

601. Applicability

.1 The Oneida Executive Committee shall from time to time designate Tribal Governing Body areas within the Reservation to which this code shall apply.

.2 The following areas are hereby designated pursuant to section

601.1:

Tribal land within the Reservation boundaries

602 Zoning Districts

.1 There shall be six categories of zoning districts: (a) residential; (b) commercial; (c) industrial; (d) institutional; (e) recreational; and (f) disposal.

.2 There shall be three types of residential zoning districts:

- a. Class 1, containing public housing units and single-family houses valued at over \$5,000;
- b. Class 2, containing houses valued between \$1,000 and \$5,000;
- c. Class 3, containing structures valued below \$1,000;
- d. Class 4, containing trailers.

.3 The Executive Committee shall establish one or more separate geographical areas for each category of zoning districts, and for each class of residential district.

603. Designation of Zoning Districts

.1 Within six months after this Code has taken effect, the Oneida Tribal Governing Body shall pass a resolution designating on an attached map the location of the various zoning districts within the areas subject to this Code. Such resolution and map shall be posted at the Tribal Office with the notice that interested persons may appear at the next following meeting of the Oneida Executive Committee to voice any objections. After such meeting, Tribal Governing Body shall consider the testimony received and shall Oneida Executive Committee within 10 days post notice of the changes it has made or a notice stating that no changes have been made. If no appeal is filed under Section 603.2, the resolution shall take effect thirty days following the posting of such notices.

.2 Any person aggrieved by the resolution of the Oneida Executive Committee Tribal Governing Body designating the location of the zoning districts may appeal such resolution to the Oneida Executive Committee by filing a notice of appeal with the Tribal Governing Body Secretary of the Oneida Executive Committee. The Oneida Executive Committee Tribal Governing Body shall at its next meeting consider the resolution and make such amendments or changes, if any as it deems proper. If the Oneida Executive Committee Tribal Governing Body shall approve the resolution, in original or amended form, it shall go into effect on the date of such approval.

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.3 The Executive Committee order designating the zoning districts  
Tribal Governing Body  
may be amended by the procedures specified in this section or upon the  
initiative of the Executive Committee.  
Tribal Governing Body

604 Permissible Use in Residential Districts

.1 Types of use in general

No building or structure shall be used or erected in any residential district of any class except for use as:

I. A place of human habitation or use as a structure normally accessory thereto; or

II. A community or recreation building. No farming or raising of livestock may be carried on in a residential district, but this restriction shall not apply to gardening, and raising poultry, pigeons, and rabbits.

.2 Districts

a. A residence of Class 1 may be built in the zoning districts reserved for Classes 1, 2, and 3.

b. A residence of Class 2 may be built only in the zoning districts reserved for Classes 2 and 3.

c. A residence of Class 3 may be built only in the zoning districts reserved for Class 3.

d. A trailer may be located only in the zoning district reserved for Class 4.

.3 Non-Conforming Uses:

Any residence located in a district which is reserved for residences of another class shall be considered a non-conforming use.

.4 Lots and distance requirements:

No building used as a place of human habitation shall be erected on a lot of less than 5000 square feet or closer than 10 feet from the boundry lines of the lot in question.

605 Permissible uses in Commercial Districts

.1 Types of use

No building or structure shall be erected in a commercial district except structures used in connection with any profession or any retail trade.

a. The term "profession" shall refer to persons trained as a doctor, attorney, dentist, newspaper editor, minister, or a similar endeavor.

b. The term "retail trade" or business shall refer to grocery, hardware, drug, clothing or general merchandise stores; to hotels and motels; to gasoline service stations and automobile repair shops; to restaurants and movie theaters; to barber shops, cleaning establishments and similar personal service businesses; to handicraft establishments which employ three or fewer paid employees (other than members of the owner's family); and to all other trades and businesses of similar character.

c. No farming or raising of livestock may be carried on in a commercial district.

.2 Extraordinary Hazards:

If in the judgement of the Oneida Executive Committee <sup>and</sup> ~~and~~ use <sup>any</sup> Tribal Governing Body which would otherwise be permitted in a commercial district created an extraordinary hazard to health or safety, such use shall be required to locate in an industrial district. The order of the Oneida Tribal Executive Committee under this subsection shall be subject to the Tribal Governing Body

review by the Oneida Executive Committee /  
Tribal Governing Body

606 Permissible Uses in Industrial Districts:

.1 No building or structure shall be erected in an industrial district except factories (other than handicraft establishments permitted in a commercial district); storage warehouses, slaughter houses, lumber yards; large-scale laundries and cleaning establishments and similar businesses.

607 Permissible Uses in Institutional Districts:

.1 No building or structure shall be erected in an institutional district except:

- a. A church and related structures;
- b. A community or recreation building;
- c. A police station, jail, library, fire house or similar public service building;
- d. All cemeteries shall be located in institutional districts.

608 Permissible Uses in Recreation Districts:

.1 Land in recreation districts shall be reserved exclusively for recreation uses including parks, playgrounds, recreation buildings and campsites, and outdoor dance and fair grounds.

609 Permissible Uses in Disposal Districts:

.1 No buildings or structures may be erected on a disposal area except as required by the sanitary disposal of garbage, trash, junk and other waste products.

610 Variances:

.1 Any persons proposing to erect a structure not in conformity to this zoning code or to use an existing structure for a purpose not permitted by the Code may apply to the Oneida Executive Committee Tribal Governing Body in writing for a variance by stating the nature of the proposed structure. The application shall be posted in a public place, together with notification of when and where interested persons may appear before the Executive Committee Tribal Governing Body to present objections. After holding a meeting as stated in the notice, the Executive Committee Tribal Governing Body shall decide in accordance with the standards of Section 610.3 whether or not to grant a variance in whole or in part, but no variance shall be permitted unless four of the five members of the Oneida Executive Committee Tribal Governing Body shall agree.



.2 Any party aggrieved by the decision of the Executive Committee Tribal Governing Body may appeal within ten days to the Executive Committee Tribal Governing Body by filling a notice of appeal with the Secretary of the Tribe. He shall be afforded opportunity to present his objections in person at the next Council meeting and the decision of the Council shall be final but no variance shall be permitted unless 3/4ths in number of the members of the Council shall agree.

.3 A variance shall be granted only if the applicant can show:

a. That the proposed use will not materially interfere with the object of this zoning ordinance; and

b. That unless such variance is granted, he will sustain severe hardship out of all proportion to the public gain achieved by compliance with the ordinance.

611 Removal of Non-conforming Uses:

.1 Scope: The Zoning Code shall not be construed to require the abandonment of existing uses or the removal of existing structures except as herein provided.

.2 Definition: A non-conforming structure is one that is devoted to a use which is not permitted in the category or type of District in which it is located.

.3 Removal: All trailers shall be removed to the District reserved for Class 4 residences as soon as water and sewage is provided at the site selected by the Oneida Executive Committee Tribal Governing Body for a trailer park.

.4 Improvements: No person shall make any additions, improvements, or repairs to a non-conforming structure which requires a total investment in materials and labor (Including his own) which is equal to or greater than 50% of the value of the premises prior to such addition, improvements or repairs. Permission to improve non-conforming structures which would otherwise violate this section may be obtained in the same manner and under the conditions as a variance. The Executive Committee Tribal Governing Body or any person

adversely affected may apply to the Oneida Executive Committee for an order to enjoin any person acting in violation of this subsection.

.5 Destruction: If any non-conforming structure is more than 50% destroyed by fire, natural deterioration, or other causes, it shall no longer be used in a non-conforming manner and shall not be rebuilt except for use in conformity with this Code. The Executive Committee or any Tribal Governing Body person adversely affected may apply to a court of appropriate jurisdiction for an order authorizing a removal of any structure used in violation of the subsection. The court may, if it finds such action fair and just, order the cost of removal charged to the owner.

16. Abandonment: Upon the application of the Executive Committee or any other person adversely affected, the Oneida Executive Committee may authorize the removal of any non-conforming structure which has been permanently abandoned, and, if it finds such action fair and just, charge the cost of such removal to the former owner. If the former owner is not given personal notice of the pending action, the Oneida Executive Committee shall, before issuing an order pursuant to this subsection, make every reasonable effort to notify him. Such effort shall include:

- a. mailing a notice of the pending action to the former owner at his last known address; and
- b. posting such notices conspicuously upon the structure sought to be removed, each to be accomplished at least 90 days prior to the issuance of an order under this subsection.

#### 612 Enforcement

Except as herein provided, compliance with this code shall be governed by the Code Enforcement Ordinance.

700 Purpose and Policy

.1 The purpose of this code is the protection of persons and buildings and of their contents from fire.

.2 This Code contains basic minimum provisions considered necessary for the safety of persons and the protection of their property. Compliance with this code, proper precautions, and compliance with Reservation Building and electrical codes shall result in conditions basically free from the hazards of fire.

701 Application

.1 This Code shall apply to all land on the Reservation under the jurisdiction of the Reservation governing body. Cooperation of other governing bodies with jurisdiction over continuous land areas will be sought in the enforcement of fire prevention practices.

702 Administration and Enforcement

This Code will be administered in accordance with the Code Compliance Ordinance of the Reservation governing the administration and enforcement of Codes generally.

703 Fire Protection Practices

.1 The construction of new buildings - residential, commercial and industrial - shall be in conformity with building, electrical and plumbing codes of the Reservation.

.2 Heating units shall be installed by qualified workman in a safe and workmanlike manner. Fuel for heating units shall be stored safely and separately from the heating unit.

.3 Flammable materials shall be stored only in areas where there is no hazard of fire by contact with heating, cooking or electrical utilities. Storage of such material in closed areas where spontaneous combustion may occur is prohibited.

.4 Dwelling units shall be constructed with sufficient distance separating them to prevent the spread of fire from one unit to another.

.5 The burning of trash shall be performed in receptacles only and with someone standing watch until the fire is extinguished. The burning of fields shall be carried out with due consideration to weather conditions and with one or more persons in constant attendance; no burning shall be done when the fire hazard rating is high as rated by the Forest Service.

#### 703 Items not Covered

All items not covered herein shall be governed by the recommendations of National Fire Protection Association.